

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 812

Introduced by Senator Soto

February 22, 2005

An act to amend ~~Section 60010~~ Sections 60010 and 60242 of the Education Code, relating to instructional materials, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Soto. Instructional materials.

Existing law declares the intent of the Legislature to provide for the adoption and selection of instructional materials for use in the elementary and secondary schools. For those purposes existing law defines various terms, including technology-based materials. Existing law defines technology-based materials as basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource, as specified. Existing law excepts from that definition the equipment required to make use of those materials.

Existing law establishes the State Instructional Materials Fund and continuously appropriates the money in the fund to the State Department of Education. Existing law authorizes a school district to use allowances received from the fund to purchase instructional materials adopted by the state board, to purchase instructional materials from any source, to purchase tests, to bind basic textbooks, to fund in-service training related to instructional materials, and to purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

This bill would, in addition, authorize a school district to use allowances received from the fund to purchase or lease

technology-based materials, as specified. By expanding the purposes for which moneys from the fund may be used, the bill would make an appropriation.

~~Existing law defines terms related to instructional materials used in public schools.~~

~~This bill would also make a technical, nonsubstantive change changes to that existing law these provisions.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60010 of the Education Code is
2 amended to read:

3 60010. For the purpose of this part, the following terms have
4 the following meanings unless the context in which they appear
5 clearly requires otherwise:

6 (a) “Basic instructional materials” means instructional
7 materials that are designed for use by pupils as a principal
8 learning resource and that meet in organization and content the
9 basic requirements of the intended course.

10 (b) “Commission” means the Curriculum Development and
11 Supplemental Materials Commission.

12 (c) “Curriculum framework” means an outline of the
13 components of a given course of study designed to provide state
14 direction to school districts in the provision of instructional
15 programs.

16 (d) “District board” means the board of education or
17 governing board of any county, city and county, city, or other
18 district that has the duty to provide for the education of the
19 children in its county, city and county, city, or district.

20 (e) “Elementary school” means ~~all a public schools school~~ in
21 which instruction is given ~~through grade 8 in kindergarten and~~
22 ~~grades 1 to 8, inclusive~~, or in any one or more of those grades.

23 (f) “Governing boards” means the state board and any one or
24 more district boards.

25 (g) “High school” means ~~all a public schools school~~ other than
26 ~~an elementary schools school~~ in which instruction is given
27 ~~through grade 12, in kindergarten and grades 1 to 12, inclusive,~~
28 or in any one or more of those grades.

(h) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) “Nonpublic school” means a school that ~~both~~ satisfies the requirements of Section 48222, and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

(j) “School official” means ~~any~~ a member of ~~any~~ a governing board, ~~any~~ a city, county, city and county, or district superintendent of schools, and ~~any~~ a principal, teacher, or other employee under his or her charge.

(k) “State board” means the State Board of Education.

(l) “Supplementary instructional materials” means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(m) “Technology-based materials” means those basic or supplemental instructional materials ~~which~~ *that* are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audio tapes, lesson plans, and data bases. Technology-based materials ~~do not~~ *also* include the equipment required to make use of those materials, *including computers, servers, or networking equipment, so long as that equipment is used for the direct delivery of instructional materials adopted by the state board pursuant to Section 60200 for use in grade 7 or 8,*

1 *or instructional materials adopted by the governing board of a*
2 *school district pursuant to Section 60400 for use in grades 9 to*
3 *12, inclusive.*

4 (n) “Test” means any device used to measure the knowledge
5 or achievement of ~~students~~ *pupils*.

6 *SEC. 2. Section 60242 of the Education Code is amended to*
7 *read:*

8 60242. (a) The state board shall encumber the fund for the
9 purpose of establishing an allowance for each school district,
10 which may reflect increases or decreases in enrollment, that the
11 district may use for the following purposes:

12 (1) To purchase instructional materials adopted by the state
13 board pursuant to Section 60200 for kindergarten and grades 1 to
14 8, inclusive, or by the governing board pursuant to Section 60400
15 for grades 9 to 12, inclusive. A school district may purchase with
16 funds received pursuant to Chapter 3.25 (commencing with
17 Section 60420) instructional materials for the visual and
18 performing arts, foreign language, health, or any other curricular
19 area if those materials are adopted by the state board pursuant to
20 Section 60200 for kindergarten and grades 1 to 8, inclusive, or by
21 the governing board pursuant to Section 60400 for grades 9 to
22 12, inclusive, and if the school district certifies that it has
23 provided each pupil with a standards-aligned textbook or basic
24 instructional materials in reading/language arts, mathematics,
25 history/social science, and science.

26 (2) To purchase, at the district’s discretion, instructional
27 materials, including, but not limited to, supplementary
28 instructional materials and technology-based materials, from any
29 source.

30 (3) To purchase tests.

31 (4) To bind basic textbooks that are otherwise usable and are
32 on the most recent list of basic instructional materials adopted by
33 the state board and made available pursuant to Section 60200.

34 (5) To fund in-service training related to instructional
35 materials.

36 (6) To purchase classroom library materials for kindergarten
37 and grades 1 to 4, inclusive.

38 (7) *To purchase or lease computers, servers, or networking*
39 *equipment, so long as that equipment is used for the direct*
40 *delivery of instructional materials adopted by the state board*

1 *pursuant to Section 60200 for use in grade 7 or 8, or*
2 *instructional materials adopted by the governing board of a*
3 *school district pursuant to Section 60400 for use in grades 9 to*
4 *12, inclusive.*

5 (b) The state board shall specify the percentage of a district's
6 allowance that is authorized to be used for each of the purposes
7 identified in subdivision (a).

8 (c) Allowances established for school districts pursuant to this
9 section shall be apportioned in September of each fiscal year.

10 (d) (1) A school district that purchases classroom library
11 materials, shall, as a condition of receiving funding pursuant to
12 this article, develop a districtwide classroom library plan for
13 kindergarten and grades 1 to 4, inclusive, and shall receive
14 certification of the plan from the governing board of the school
15 district. A school district shall include in the plan a means of
16 preventing loss, damage, or destruction of the materials.

17 (2) In developing the plan required by paragraph (1), a school
18 district is encouraged to consult with school library media
19 teachers and primary grade teachers and to consider selections
20 included in the list of recommended books established pursuant
21 to Section 19336. If a school library media teacher is not
22 employed by the school district, the district is encouraged to
23 consult with a school library media teacher employed by the
24 local county office of education in developing the plan.

25 (3) To the extent that a school district or county office of
26 education already has a plan meeting the criteria specified in
27 paragraphs (1) and (2), no new plan is required to establish
28 eligibility.